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SIPDIS

SENSITIVE

DEPARTMENT FOR EAP/BCLTV, DRL

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TAGS: PHUM PGOV SOCI PREL VM HUMANR

SUBJECT: RECENT NGO STATEMENTS ON DEMOCRACY ACTIVIST KHUE
SLIGHTLY OFF THE MARK

1. (SBU) Summary: Post has spoken separately with the wife and two of the adult children (strictly protect) of detained democracy activist Tran Khue over the past two weeks, to follow up on a recent report from the Committee to Protect Journalists (CPJ) concerning the status of his case. While their accounts are somewhat at odds with the CPJ report, they nevertheless confirm that the family has had recent contact with the authorities. They have also been granted more liberal visitation privileges. The family is still awaiting word on a possible trial date. End summary.

2, (U) On June 10, the CPJ issued a press release noting that Tran Khue, an elderly writer and former literature professor, had been formally charged with espionage, after being detained without charges for almost 18 months. The New York-based NGO quoted unnamed sources as saying that Khue's family had been "called into the HCMC People's Court," where an official allegedly read the charges, which also included violation of an existing house arrest order. The CPJ accused the GVN of "using the pretext of national security to imprison a writer who has merely expressed his views."

3. (SBU) According to his wife and two of his adult children in HCMC, Khue had persuaded prison officials to allow his family to visit him on April 28, his birthday, at the municipal detention center at 4 Phan Dang Luu Street, Binh Thanh District. During the visit, Khue told his family that he thought police had probably already turned his dossier over to the People's Procuracy, and advised them to ask for an appointment with officials from that office for his attorneys. His wife suspects he might have learned something about the status of his case from prison officials, leading him to request the special birthday visit. Following up on that information, the family visited the People's Procuracy in early May, at which time the officials in charge of Khue's case told them they were amenable to meeting with his attorneys.

4. (SBU) Unfortunately, according to the family, the two attorneys -- one of whom is in Hanoi and the other in Haiphong -- were busy working on the cases of Pham Hong Son and other democracy activists, and were unable to travel to HCMC in early May. By the time they arrived in HCMC in late May, officials at the People's Procuracy told the family the case had already been transferred to the People's Court. When the family went to the courthouse, they were told the case had been transferred back to the People's Procuracy. Returning to the People's Procuracy, they were told the case had been transferred back to the police investigative branch. In the end, the attorneys had to return to Hanoi before the investigation was completed, and were unable to meet with officials from either HCMC agency. In what Khue's wife believes was a move to placate the family for this deliberate confusion, the People's Procuracy then issued a special permit to allow up to four family members to visit Khue twice per month.

5. (SBU) Contrary to the CPJ report, officials never discussed the possible legal charges against Khue with the family during any of these meetings. In fact, the only indication the family has received thus far of the possible charges is a notation on the special visitation permit accusing Khue of "abusing democracy to distribute illegal documents." Neither espionage nor violation of administrative probation is listed on the permit. Officials did not provide the family with an actual trial date either, but did promise to give the family advance notice of any proceedings. Given the sensitivities of the case during this pre-trial period, Khue's wife told ConGen she was reluctant to have any family members meet directly with ConGenoffs, for fear that too much attention right now might cause adverse consequences for Khue. She believes her husband would not receive a long sentence, but had no particular basis for this.

6. (SBU) Note: Khue had already been under house arrest for over a year when he was detained by HCMC police on Dec. 29, 2002, just a few days after meeting with fellow democracy activist Pham Que Duong in HCMC. (Duong had been arrested one day earlier at the HCMC train station.) The 2001 administrative detention order was imposed on Khue for his role in seeking to register an independent, nationwide anti-corruption organization. Even before 2001, however, Khue was well known for his writings on political topics. Prior to his arrest in late 2002, he was also active in protesting Vietnam's border demarcation agreement with China. This is not the first time ConGen has heard inaccurate reports about this case. In September 2003, the Democracy Club for Vietnam forwarded to ConGen a notice regarding Khue's death while

in detention. We spoke to one of his adult children at the time, who assured us he had just visited his father three days earlier and found him well. End note.

17. (SBU) Comment: Post is not sure what to make of the disconnect between the information provided by CPJ and the accounts of Khue's own wife and adult children, but the family does not appear to have been the source of the CPJ report. Khue's family has always been a bit reluctant to talk to ConGenoffs about their situation, preferring to maintain a low profile as Khue's case works its way through the legal system. We will continue to respect their wishes and monitor the case from a distance.
YAMAUCHI